

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 10-CR-1727 JB

VINCENT GARCIA,

Defendant.

ORDER DENYING MOTION FOR FURLough

THIS MATTER is before the Court on Defendant Vincent Garcia's ("Garcia") Motion for Furlough [Doc. 59]. Garcia seeks the Court's authorization to vacation in Cozumel, Mexico. Plaintiff United States of America ("USA") filed a response in opposition [Doc. 60]. Additionally, the Court's Pretrial Services Office opposes the request. Oral argument is not necessary; this matter may be resolved based on the parties' submissions.

Garcia was indicted by a Grand Jury on seven counts of bank fraud in violation of 18 U.S.C. § 1344, five counts of money laundering in violation of 18 U.S.C. § 1956, and seven counts of money laundering in violation of 18 U.S.C. § 1957. If convicted, he faces statutory maximum terms of incarceration of twenty years on bank fraud and on the § 1956 money laundering counts, and ten years incarceration on the § 1957 money laundering counts. Fines of up to \$1,000,000 may be imposed on each count.

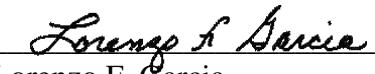
Garcia was placed on conditions of release. The Court entered a special condition of release requiring Garcia to surrender his passport, and, further, restricted his travel to the State of New Mexico. Garcia may not depart the State without the Court's permission.

In cases where a defendant faces significant periods of incarceration if convicted, a defendant may be prompted to leave the Court or country's jurisdiction to avoid prosecution. It is for that reason that the Court requires the surrender of a passport and imposes additional travel restrictions.

Garcia requests authorization not only to leave the State of New Mexico, but the territorial United States. While the Court understandably appreciates Garcia's wish to enjoy himself in a Mexican seaside resort location, there is simply no good cause shown that would prompt the Court to grant such a request. Moreover, given the probable cause determination made by the Grand Jury, the nearness of trial, and the risk of conviction, a defendant's good judgment may be impaired and the defendant may be tempted to depart from the Republic of Mexico to a country that declines to extradite to the United States.

The Court finds that Garcia's motion is not well-taken and it is therefore DENIED.

SO ORDERED.



Lorenzo F. Garcia
United States Magistrate Judge